

**UNITED STATES DISTRICT COURT
Western District of Texas
Austin Division**

Camille Deshotel,	§	
	§	
<i>Plaintiff,</i>	§	Civil Action No. 1:20-cv-00584
	§	
vs.	§	
	§	
Unifund CCR, LLC	§	
	§	
<i>Defendant.</i>	§	DEMAND FOR JURY TRIAL

ORIGINAL COMPLAINT

1. Plaintiff Camille Deshotel brings this action for claims under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et seq.*, to obtain statutory damages, costs and a reasonable attorney's fee for the Defendant's violations of the FDCPA.

VENUE

2. Venue is proper in the United States District Court for the Western District of Texas, Austin Division, because the acts and transactions occurred in this district and because the Defendant transacts business in this district.

THE PARTIES

3. Plaintiff Camille Deshotel ("**Deshotel**") is an individual who resides in Hays County, Texas.

4. Defendant Unifund CCR, LLC ("**Unifund**") is a company organized and existing under the laws of Ohio. Unifund may be served by serving its registered agent at the following address:

Corporation Service Co. d/b/a CSC-Lawyers Incorporating Service Co.
211 E. 7th St.
Ste. 620
Austin, TX 78701

FACTUAL ALLEGATIONS

5. Deshotel resides in Kyle, Hays County, TX.
6. Deshotel allegedly owed money to Capital One Bank (USA), N.A. for a credit card debt.
7. Deshotel did not pay the alleged debt and it went into default.
8. After default, the debt was sold to Distressed Asset Portfolio III, LLC.
9. Distressed Asset Portfolio III, LLC sold the defaulted debt to Unifund on February 10, 2020.
10. Unifund describes itself as specializing in liquidation of portfolios of defaulted consumer debt from major banks and creditors.¹
11. Unifund attempted to collect the alleged debt from Deshotel.
12. Unifund filed a civil lawsuit bearing cause number 202100125526 and styled *Unifund CCR, LLC v. Camille Deshotel* in the Justice Court, Precinct Two, of Harris County, Texas.
13. Unifund commenced its lawsuit against Deshotel on April 22, 2020.
14. Unifund's lawsuit stated:
 3. *Venue.* Venue of this action is proper in the county named above because Camille Deshotel is an individual believed to be residing in said county at the time of commencement of suit.
15. Deshotel did not reside in Harris County, Texas on the date the action was commenced by Unifund against her.

¹ See <http://www.unifund.com/about-us/>

16. Deshotel did not sign the contract sued upon in Harris County, Texas.
17. Unifund had the lawsuit served on Deshotel.
18. Deshotel retained counsel.
19. Deshotel, through counsel, filed a motion to transfer to the appropriate venue.
20. The alleged debt is a "debt" as that term is defined by § 1692a(5) of the FDCPA.
21. Deshotel is a "consumer" as that term is defined by § 1692a(3) of the FDCPA.
22. Unifund is a "debt collector" as defined by § 1692a(6) of the FDCPA.

COUNT I. VIOLATION OF THE FDCPA § 1692i(a)

23. Plaintiff re-alleges the above paragraphs as if set forth fully in this count.
24. Section 1692i(a) of the FDCPA states:

Any debt collector who brings any legal action on a debt against any consumer shall -

. . . .

(2) bring such action only in the judicial district or similar legal entity --

(A) in which such consumer signed the contract sued upon; or

(B) in which such consumer resides at the commencement of the action.

25. Unifund violated § 1692i of the FDCPA by filing a lawsuit against Deshotel to collect a consumer debt in a Harris County, Texas.

REQUEST FOR RELIEF

26. Plaintiff requests that this Court award her:
 - a. Statutory damages of \$1000 for Unifund's violation of the FDCPA;
 - b. Costs; and
 - c. A reasonable attorney's fee.

JURY DEMAND

Plaintiff demands trial by jury.

Respectfully Submitted,
By: s/Tyler Hickle
Plaintiff's Attorney

Tyler Hickle, SBN 24069916
Law Office of Tyler Hickle, PLLC
4005C Banister Lane, Ste. 120C
Austin, TX 78704
Tel: (512) 289-3831 Fax: (512) 870-9505
tyler@hicklepllc.com